

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

FRIDAY, THE 29TH JUNE 2007 / 8TH ASHADHA 1929

WP(C).No. 19926 of 2007(V)

PETITIONER:

1. ELIAS I.M., S/O.MATHAI, AGED 31,
INCHAKKADU HOUSE, PEECHANIKKAD, PULIYANAM P.O.,
ANGAMALI, PROPRIETOR, THEOS INDUSTRIES,
PANJIKATTIL HOUSE, NEAR STATE BANK OF INDIA,
KATTAPPANA.

2. MATHAI I.T., AGED 66, S/O.THARIATH,
INCHAKKADU HOUSE, PEECHANIKKAD, PULIYANAM P.O.,
ANGAMALI.

BY ADV. SRI.MATHEWS K.PHILIP
SMT.T.MANASY

RESPONDENTS:

1. THE KERALA FINANCIAL CORPORATION,
REPRESENTED BY ITS MANAGING DIRECTOR,
VELLAYAMBALAM, TRIVANDRUM.

2. THE MANAGER, KERALA FINANCIAL
CORPORATION DISTRICT OFFICE, KATTAPPANA.

3. THE DISTRICT COLLECTOR, ERNAKULAM.

4. DEPUTY TAHSILDAR, R.R. KFC, ERNAKULAM.

R1 AND R2 BY SC SRI.V.B. UNNIRAJ
R3 AND R4 BY G.P. SRI. BASANT BALAJI

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 29/06/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

C.N.RAMACHANDRAN NAIR,J.

W.P.C. NO. 19926 OF 2007

Dated this the 29th day of June, 2007

JUDGMENT

The prayer in the WPC is for refund of collection charges remitted by the petitioners for releasing title deed deposited with the KFC. Counsel for KFC submitted that collection charges of Rs. 63,825/- is remitted to fourth respondent by the petitioners themselves. However, counsel submitted that in order to settle the liability, petitioners have to sell the property and for sale of that property, title deed was required, which necessitated payment of collection charges provisionally. Rule 5 of RR Rules provides for recovery of collection charges only when recovery is effected by the revenue recovery authorities by following the procedure prescribed therein. In this case, besides services of notice, recovery authorities had done nothing as the defaulters sold the property themselves and settled the liability. In the circumstances, recovery of full collection charges is not justified. In the circumstances, and since recovery proceedings are initiated, W.P. is disposed of directing the fourth respondent to retain Rs. 13,825/-

towards collection charges and refund Rs. 50,000/- to the petitioners within one month from the date of production of a copy of this judgment by the petitioners.

(C.N.RAMACHANDRAN NAIR)
Judge

